

BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

REDACTED

In the Matter of the Accusation
Against:

ROGER C. SLATER, M.D.
240 East Hobson Way
Blythe, California
Certificate No. C-18017,

Respondent.

NO. D-1784

L-11877

DECISION

The attached Proposed Decision of the Administrative
Law Judge is hereby adopted by the Board of Medical Quality Assurance
as its decision in the above-entitled matter.

This decision shall become effective on the 20th
day of May, 1977.

IT IS SO ORDERED this 20th day of April,
1977.

BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By *Dianche C. Bensch*
DIANCHE C. BENSCHE, Secretary-Treasurer

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5-20-79 Probation Completed

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Blythe, California
Certificate No. C-18017,

Respondent.

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PROPOSED DECISION

This matter came on regularly for hearing before Frank Britt, Administrative Law Judge of the Office of Administrative Hearings, at Blythe, California, on December 28, 1976, at the hour of 9:00 a.m. Samuel E. Spital, Deputy Attorney General, appeared on behalf of the complainant. Respondent appeared in person and was represented by Joel W. West and Glen R. Bradak, Attorneys at Law. Line 2, Page 3 of the Accusation was amended by striking "June and December" and inserting by interlineation "April 1, 1975 and July 23." Evidence, both oral and documentary was received and the parties were granted time in which to submit written argument. Complainant's memorandum was received January 5, 1977 and marked Exhibit 7 for identification. Respondent's memorandum was received on January 24, 1977 and marked Exhibit B for identification. The matter is now submitted and the Administrative Law Judge finds the following facts:

I

Raymond Reid is the Executive Secretary of the Board of Medical Quality Assurance and made the subject Accusation in his official capacity.

II

(A) On September 12, 1956, respondent Roger C. Slater (hereinafter referred to as "Respondent") was issued Physician's

and Surgeon's Certificate No. 18017. The certificate is in full force and effect.

(B) On December 3, 1975, the Board granted respondent a Certificate of Approval to supervise Ronald Leo McCullough, a Physician's Assistant.

III

(A) Reed Eshelman is a licensed chiropractor who practiced his licensed profession in Blythe, California until April 1, 1975. On April 1, 1975, respondent employed Reed Eshelman to assist him in the supervision and management of his medical offices and other duties as needed to assist respondent. While so employed Reed Eshelman was to receive training from the respondent for possible licensing as a physician's assistant. Reed Eshelman's training included accompanying respondent on his visits of patients at the Palo Verde Hospital, in order to become familiar with respondent's patients and their treatment. When respondent was unavailable, Reed Eshelman was responsible for seeing patients who came to the office for ordered treatment and possible referral to other physicians in the community.

(B) On or about April 30, 1975, James W. [REDACTED] a patient of respondent, called respondent's office for a medical appointment due to an earache. He was advised that respondent would not be available that day but that Reed Eshelman would see him if he wanted to come in. James W. [REDACTED] visited the office on said date and was directed to a room where Reed Eshelman examined him, diagnosed his ailment, and prescribed medication which was telephoned to a pharmacy by Reed Eshelman. Subsequently, the prescription was filled and delivered to James W. [REDACTED] by the pharmacy.

(C) On June 14, 1975, a Saturday, respondent instructed Reed Eshelman to visit Maria R. [REDACTED], Esther D. [REDACTED], Homer J. [REDACTED] and Clarence Mc[REDACTED], all of whom were respondent's patients who were hospitalized and receiving medical care in the Palo Verde

Hospital (hereinafter referred to as Hospital). Reed Eshelman visited the named patients in the hospital and after conversation with each and/or the assigned nurse, gave verbal instructions to the nursing staff to: Discontinue sitz baths (J [redacted]), remove vaginal pack (R [redacted]), administer an enema (McM [redacted]), and the discharge of a patient (D [redacted]). The hospital staff was aware that Reed Eshelman was not properly licensed, and as a precautionary measure, contacted respondent for approval before carrying out the orders.

IV

(A) Respondent has practiced medicine in Blythe for the past twenty-one years. He is the Chief of Staff and the Chief of Surgery at said hospital. Respondent has an excellent reputation in the community as a physician and surgeon.

(B) On July 23, 1975, respondent discharged Reed Eshelman, when an investigator for the Board contacted him in connection with the complaint which initiated the subject investigation. Respondent thereafter applied for and received Board approval to supervise a Physician's Assistant. Since receiving said approval respondent has utilized a licensed Physician's Assistant to aid him in his practice.

V

Special Ruling

Complainant's rebuttal witness' testimony was received, subject to being stricken if it were established that the "Miranda" rules of criminal law were applicable to an administrative proceeding. Under the circumstances surrounding the witness' interview with the respondent and the limited purpose for which the testimony was offered, such criminal law rule is not applicable. Said testimony shall be received for the limited purpose offered.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Grounds for the suspension or revocation of respondent's license have been established pursuant to Section 2360 of the Business and Professions Code in that respondent is guilty of unprofessional conduct as defined in Section 2361(a) of the Business and Professions Code in conjunction with Section 2392 of said Code. In that respondent aided an unlicensed person to treat the sick or afflicted as set forth in paragraph III hereinabove.

II

Grounds for the suspension or revocation of respondent's Approval status to supervise a Physician's Assistant have been established pursuant to Section 1379.8(a) of Title 16, California Administrative Code in that respondent is guilty of unprofessional conduct as defined in Chapter 5 of Division 2 of the Business and Professions Code, as more particularly set forth in paragraph I of the Determination of Issues hereinabove.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

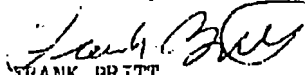
The license of respondent Roger C. Slater, M.D. to practice medicine and surgery in the State of California and the approval to supervise a Physician's Assistant are hereby suspended for a period of thirty (30) days; provided, however, execution of this order of suspension shall be stayed. Respondent placed on probation for a period of two years on the following terms and conditions:

1. Respondent shall comply with all laws of the United States and of the State of California and its political subdivisions and all the rules and regulations of the Board of Medical Quality Assurance of the State of California.
2. Respondent shall initiate and submit to the Division of Medical Quality at quarterly intervals an affidavit to the effect that he is closely supervising his Physician's Assistant, if any, and has fully and faithfully complied with all the terms and

conditions of the probation imposed herein.

Upon compliance with the terms and conditions herein set forth and upon expiration of the two year term of probation, the certificate of respondent to practice medicine and surgery in the State of California, and the Approval to supervise a Physician's Assistant shall be restored to its full privileges; provided, however, that in the event that if respondent violates or fails to comply with any of the terms and conditions of this order, the Division of Medical Quality, after notice to respondent including an opportunity to be heard, may terminate said probation and suspend said certificate effective immediately or make such other order, modifying or changing the terms of probation herein as it deems just and reasonable in its discretion.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on December 28, 1976, at Blythe, California, and recommend its adoption as the decision of the Division of Medical Quality, Board of Medical Quality Assurance.


FRANK BRITT,
Administrative Law Judge
Office of Administrative Hearings

DATED: February 2, 1977
FB:ml

REDACTED

RECEIVED SACRAMENTO
BOARD OF MEDICAL
QUALITY ASSURANCE

APR 20 11 49 AM '76

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8 BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE
9 DIVISION OF MEDICAL QUALITY
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation
13 Against:

14 ROGER C. SLATER, M.D.
15 240 East Hobson Way
16 Blythe, California
17 Certificate No. C-18017,

18 Respondent.

NO. D-1754

ACCUSATION

19 Raymond Reid alleges:

20 1. He is the Executive Secretary of the Board of
21 Medical Quality Assurance and makes this accusation in his
22 official capacity.

23 2. On September 12, 1956, respondent Roger C. Slater
24 was issued Physician's and Surgeon's Certificate No. 18017. The
25 certificate is in full force and effect.

26 3. On December 3, 1975, respondent was issued a
27 certificate of interim approval to supervise a Physician's
28 Assistant by the Board. The certificate is in full force and
29 effect.

30 4. Pursuant to Business and Professions Code section
31 2360, every Physician's and Surgeon's certificate issued may be
suspended or revoked.

5. Pursuant to Business and Professions Code section

1 2361, the Board shall take action against any holder of a certifi-
2 cate who is guilty of unprofessional conduct. Unprofessional
3 conduct includes violating or attempting to violate, directly or
4 indirectly, or assisting in or abetting the violation of, or
5 conspiring to violate, any provision or term of this chapter.

6 6. Business and Professions Code section 2392 provides:

7 "The employing, directly or indirectly, of any
8 suspended or unlicensed practitioner in the practice of
9 any system or mode of treating the sick or afflicted
10 or the aiding or abetting of any unlicensed person to
11 practice any system or mode of treating the sick or
12 afflicted constitutes unprofessional conduct within the
13 meaning of this chapter."

14 7. California Administrative Code, Title 16, section
15 1379.8(a) provides:

16 "The Board may revoke, suspend, for not more than
17 one year, or place on probationary status approval to
18 supervise a particular Physician's Assistant when the
19 Board finds:

20 "(a) The approved Supervising Physician has been
21 guilty of unprofessional conduct as defined in Chapter
22 5 of Division 2 of the Business and Professions Code.
23 A decision of the Board pursuant to a proceeding in
24 accordance with Chapter 5 (commencing with section
25 11500) of Part 1 of Division 3 of Title 2 of the Govern-
26 ment Code shall be conclusive evidence of said unpro-
27 fessional conduct."

28 8. Respondent's certificate and his approval to
29 supervise a Physician's Assistant is subject to discipline
30 pursuant to sections 2361 and 2392 of the Business and Professions
31 Code and section 1379.8(a) of Title 16, California Administrative

1 Code, on account of the following conduct:

2 Between June and December 1975 respondent
3 employed and aided and abetted Reed Eshelman, an
4 unlicensed person, in the practice of systems or
5 modes of treating the sick and afflicted. While
6 in the employ of respondent and acting within the
7 course and scope of said employment, Reed Eshelman
8 treated James W. [REDACTED], Maria R. [REDACTED], Ester
9 [REDACTED], Homer J. [REDACTED], and Clarence McE. [REDACTED]


10 WHEREFORE, respondent prays a hearing be held on the
11 matters alleged and after a hearing that the Board issue an order:

12 (1) revoking or suspending the Physician's
13 and Surgeon's certificate of respondent, or taking
14 other action pursuant to section 2372 of the
15 Business and Professions Code;

16 (2) revoking, suspending or placing on pro-
17 bation the approval of respondent to supervise a
18 Physician's Assistant;

19 (3) taking such other and further action as
20 the Board deems proper.

21 DATED: 5/5/76

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23 
24 RAYMOND REID
25 Complainant
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